

Sixth Appellate District

San Jose, California

MONDAY, MAY 12, 2008

H031337 BRATCHER v. CITY OF SAN JOSE FEDERATED RETIREMENT SYSTEM, et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 19, 2008

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.

TUESDAY, MAY 13, 2008

H031664 PEOPLE v. VO

The judgment is modified to reflect an award of 253 days custody credits. As so modified the judgment is affirmed. The Superior Court is directed to prepare an amended abstract of judgment that reflects the correct award of custody credits and transmit the amended abstract of judgment to the Department of Corrections (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 13, 2008

The Court met in Santa Cruz County Superior Court - Watsonville Branch, Department C, 1 Second Street, Watsonville, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H029772 PELLEGRINI v. WEISS, et al.

H029988 PELLEGRINI, et al. v. WEISS, et al.

Causes called and argued by Andrew Pierce appearing for Appellants and by John Feeney appearing for Respondents. Causes ordered submitted.

Rushing, P.J., Premo, J. and Elia, J. leave the bench. Mihara, Acting P.J., McAdams, J., and Duffy, J. take the bench.

H030587 LINDSLEY v. UNION PACIFIC RAILROAD COMPANY, et al.

Cause called and argued by Michael Moore appearing for Appellant and by Joseph Mascovich appearing for Respondent, and by Stephen Newton appearing for Respondent, and by George Kovacevich appearing for Respondent. Cause ordered submitted.

Duffy, J. leaves the bench. Bamattre-Manoukian, Acting P.J. takes the bench.

H030684 PEOPLE v. ALVARADO

Cause called and argued by S. Cabot Davis appearing for Appellant and by Christopher Grove, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

WEDNESDAY, MAY 14, 2008

H031972 ANDERSEN v. YOUNG, et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 14, 2008

*Before Bamattre-Manoukian, Acting P.J., McAdams, J. and Duffy, J.

H030446 PEOPLE v. GONZALES

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 14, 2008

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H032678 eBUSINESS APPLICATION v. DINESH GUPTA, et al.

By the Court:

Appellant Dinesh Gupta's motion to vacate the dismissal order issued April 14, 2008, is granted and the appeal is ordered restored to active status. Appellant Dinesh Gupta shall duly file his designation of the record on appeal within 10 days from the date of this order. The clerk of the Santa Clara County Superior Court is directed to effect the preparation of the record on appeal as provided under the pertinent provisions of the California Rules of Court.

Appellant Dinesh Gupta shall file his Civil Case Information Statement in this court within 10 days from the date of this order.

Dated: May 14, 2008 Rushing, P.J.

THURSDAY, MAY 15, 2008

H030965 MILLER v. CAMPBELL, Warburton, Fitzsimmons, Smith, Menzel & Pastore

The judgment is reversed. (published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 15, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and Beth Miller, Deputy Clerk.

H031375 PEOPLE v. QUINONES

Cause called and argued by David D. Martin appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, May 15, 2008 (continued)

Duffy, J., leaves the bench and Mihara, J., takes the bench.

H031005 PEOPLE v. GRUBER

Cause called and argued by Jeffrey A. Glick appearing for Appellant and by Ann P. Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

McAdams, J., leaves the bench and Duffy, J., takes the bench.

H031754 FARR on Habeas Corpus

Cause called and argued by Jessica Blonien, Deputy Attorney General, appearing for Appellant and by Barbara B. Fargo appearing for Respondent. Cause ordered submitted.

H031048 MURGUIA v. MURGUIA

Cause called and argued by Michael Morrissey appearing for Appellants and by Michael R. Burk appearing for Respondents. Cause ordered submitted. The court is in recess until the 1:30 calendar.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and LaNae Brooks, Deputy Clerk.

H032107 HERRERA v. HERNANDEZ

Cause called and argued by Leandro Herrera Duran appearing for Appellant and by Robert James Miller appearing for Respondent. Cause order submitted.

H030913 In re VICTOR M. SOUSA on Habeas Corpus

Cause called and argued by Jessica Blonien, Deputy Attorney General, appearing for Appellant and by Heather Mackay appearing for Respondent. Cause ordered submitted.

H031434 In re BYRON KENNETH MILLS on Habeas Corpus

Cause called and argued by Denise Yates, Deputy Attorney General, appearing for Appellant and by Keith Allen Wattley appearing for Respondent. Cause ordered submitted.

H031071 IDEAL HOMES v. DENHOY, et al.

Cause called and argued by Edward C. McDonald Jr. appearing for Appellants and by Philip Darke appearing for Respondent. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, May 15, 2008 (continued)

H031826 PEOPLE v. GONZALEZ

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 15, 2008

*Before Rushing, P.J., Premo, J. and Elia, J.

FRIDAY, MAY 16, 2008

The following cases are submitted this date:

H031781 PEOPLE v. VASQUEZ

H031244 PEOPLE v. PETERSON

H030770 PEOPLE v. KHENSOKVANN, et al.

H032059 In re PSYLOCKE S.; SANTA CRUZ COUNTY HRA v. JEFFREY B.

H031095 PEOPLE v. JOHNSON

H031778 PEOPLE v. VASSER

H031844 PEOPLE v. DAWSON

H032294 In re JEZIAH R.; D.F.C.S. v. VENUS R.

H031885 BROWN v. EVANS, et al.

H031748 PEOPLE v. RODEWALD

H031967 PEOPLE v. LEWIS

H031768 In re MARIAELISA P.; D.F.C.S. v. ORLANDO V.

H031839 PEOPLE v. MENDIOLA

We modify the judgment by striking the order to pay attorney fees. The trial court is directed to prepare an amended abstract of judgment that reflects this modification, and to forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed May 16, 2008

H031607 PEOPLE v. LOZANO

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 16, 2008

H030646 PEOPLE v. SHEPHARD

The judgment is reversed, and the matter is remanded to the trial court for the limited purpose of resentencing in accordance with *People v. Sandoval* (2007) 41 Cal.4th 825. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed May 16, 2008

Sixth Appellate District

San Jose, California

Friday, May 16, 2008 (continued)

H032152 MARRIAGE OF YEO v. REN

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed May 16, 2008

H031571 PEOPLE v. SPOTSWOOD

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed May 16, 2008